

REMARKS

Applicant acknowledges the Examiner's indication that claims 7-42 and 44-51 include allowable subject matter.

In the Office Action, the Examiner rejected claims 7-42 and 44-51 (including independent claims 7, 42, and 47) under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-173 of U.S. Patent No. 6,193,721; claims 1-39 of U.S. Patent No. 6,936,051; and claims 1-117 of U.S. Patent No. 6,398,783; in view of U.S. Patent No. 5,468,242 to Reisberg ("Reisberg"). Additionally, the Examiner provisionally rejected claims 7-42 and 44-51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-72 of copending Application 10/926,734 and claims 1-62 of copending Application No. 11/128,556; in view of Reisberg. Applicant notes that Application Nos. 10/926,734 and 11/128,556 have issued as U.S. Patent Nos. 7,803,157 and 7,704,250, respectively.

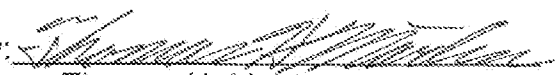
Applicant acknowledges the above-listed nonstatutory obviousness-type double patenting rejections. Furthermore, Applicant is submitting concurrently with this Reply a Terminal Disclaimer of the terminal part of any patent granted in the present application which would extend beyond the expiration of U.S. Patent Nos. 7,803,157 and 7,704,250. However, Applicant submits that U.S. Patent Nos. 6,193,721, 6,936,051, and 6,398,783 are currently not commonly owned with the present application. Normally, the most expedient way to overcome nonstatutory obvious-type double patenting rejections would be with use of a terminal disclaimer. However, given that the present application is not currently commonly owned with U.S. Patent Nos. 6,193,721, 6,936,051, and 6,398,783, the submission of a terminal disclaimer with regard to these patents currently is not possible. Thus, Applicant respectfully requests that the above-listed nonstatutory obviousness-type double patenting rejections be made final.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

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